

Remarks

Status of Claims

Claims 1-12 have been cancelled. Claims 13-20 remain pending.

Amendments to Claims

Applicants have amended Claim 17 to clarify the invention. Applicants submit that basis for the amendments exists on page 6, lines 11-33 through page 8, lines 1-2 and in the claims as originally filed. Claims 19 and 20 have been amended to correct a grammatical error. Additionally, Claim 20 has been amended to clarify that a sixth population of oligonucleotides and not a fifth population of oligonucleotides is formed. Applicants submit that basis for this amendment can be found in original claim 17, step c. Applicants have also added Claims 21 and 22. Basis for these claims can be found throughout the Specification, more particularly on page 7, lines 22-32 through page 8, lines 1-2. Applicants submit no new matter has been added.

Restriction under 35 U.S.C. 121

The Examiner has required Restriction under 35 U.S.C. 121 to one of three groups alleged to be separate inventions, Groups I-III. Further, the Examiner has alleged the application contains claims in Groups I-III to patently species, distinct light chain and heavy chain genes. The Examiner has required that the Applicants elect a single species from the species A-Q and one from i-xxii in addition to electing one of Group I-III for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. In addition, the Examiner has indicated there are presently no generic claims.

In response to the requirement for a group, Applicants choose Group III as required by the Examiner. As Applicants understand the Examiner's requirement, the Examiner is also requesting an election of species for searching purposes. As such, Applicants elect A11 as the human kappa light chain framework sequence species and VH2-5 as the human heavy chain framework sequence species solely for searching purposes. As an election of species,

Serial No. 10/697,399
Docket No. X16755C

according to Section 803.02 of the MPEP, should the Examiner find that the elected species is patentable, the search must then be extended to determine patentability of non-elected species of the Markush claim. No limitation of the group may be imposed absent prior art being found which renders one or more species within the Markush group unpatentable. If such prior art is found, applicants retain the right to modify the group to avoid the prior art.

Should the Examiner wish to discuss the foregoing in an effort to advance this application towards allowance, the Examiner is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

/Alejandro Martinez/

Alejandro Martinez
Agent for Applicants
Registration No. 58,163
Phone: 317-277-4260

Eli Lilly and Company
Patent Division
P.O. Box 6288
Indianapolis, Indiana 46206-6288

September 22, 2006_____